

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT ARSENEAU,

Petitioner,

v.

MARGARET GILBERT,

Respondent.

CASE NO. C15-5660 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 20. The Court having considered the R&R and the remaining record, and no objections having been filed, does hereby find and order as follows:

- (1) The R&R is **ADOPTED**; and
- (2) The petition (Dkt. 12) is **DISMISSED** without prejudice to the filing of a federal habeas petition after petitioner has exhausted his state judicial remedies. An evidentiary hearing is unnecessary and the Court denies issuance of a certificate of appealability.

Dated this 23rd day February, 2016.



BENJAMIN H. SETTLE
United States District Judge